

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



June 10, 2011

David Stagnaro, AICP, Planning Manager
Community Development Department
City of Stockton
345 N. El Dorado Street
Stockton, CA 95202

Dear Mr. Stagnaro:

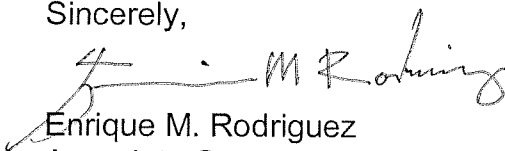
This letter is to acknowledge receipt on April 1, 2011 of the City of Stockton submittal pertaining to Ordinance No. 006-11 C.S. with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,


Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



CITY OF STOCKTON

COMMUNITY DEVELOPMENT DEPARTMENT

City Hall • 425 N. El Dorado Street • Stockton, CA 95202-1997 • 209 / 937-8444 • Fax 209 / 937-8893
www.stocktongov.com

March 31, 2011

State of California
Building Standards Commission
Attn: Dave Walls, Executive Director
2525 Natomas Park Dr., Suite 130
Sacramento, CA 95833

CITY OF STOCKTON – CERTIFIED COPY OF ADOPTED ORDINANCE MODIFYING THE CALIFORNIA BUILDING STANDARDS CODE

In accordance with the California Health and Safety Code Section 17958.7, the City of Stockton, Building Division hereby submits findings together with modifications to the California Building Standards code. These findings are incorporated into Local Ordinance No. 006-11.

The attached ordinance was presented to the City of Stockton City Council at their March 15, 2011 meeting and approved unanimously.

In you have any questions, please contact David Stagnaro at (209)937-8598.

MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

Attachment

MMN:djs:sis

emc: Bob Deis, City Manager
Mike Locke, Deputy City Manager
John Luebberke, City Attorney
Guy Petzold, Deputy City Attorney
Gregg Meissner, Deputy Director, Community Development Department
Eric Elias, Deputy Director, Community Development Department
David Stagnaro, AICP, Planning Manager

RECEIVED
2011 APR - 1 P 12:35
CALIFORNIA BUILDING
STANDARDS COMMISSION

006-11 C.S.

ORDINANCE NO.

AN ORDINANCE AMENDING TITLE 15 OF THE STOCKTON MUNICIPAL CODE BY AMENDING CHAPTER 15.72, GREEN BUILDING STANDARDS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION I. AMENDMENT OF CODE.

Title 15, Chapter 15.72, Sections 15.72.010 and 15.72.020 of the Stockton Municipal Code are hereby amended to read as follows:

15.72.010 Purpose

The purpose of this code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. The City of Stockton must comply with Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006, which requires a reduction in greenhouse gas (GHG) emissions to 1990 levels by 2020; and Senate Bill (SB) 375, which is the first law to link GHG emissions to transportation and housing planning and cited the City as an example of a means to accomplish those goals. This chapter will be a tool to implement the above noted bills as well as comply with the requirements of the California Environmental Quality Act and the goals, objectives, policies, and strategies established in the Stockton General Plan. This chapter will be reviewed a minimum of every five (5) years. It is the intent of this chapter to establish regulations that are equally or more stringent than the requirements of State law. Unless specifically prohibited by State law, requirements established by this chapter that are more stringent than State law shall be given full effect. (Ord. 010-10 C.S. § 2, eff. 8-26-10)

15.72.020 General Provisions-Applicability.

A. This chapter shall not in any manner affect the permissible use of property, density/intensity of development, design and improvement standards, design review and other applicable standards or requirements of this code, all of which shall be operative and remain in full force and effect without limitation.

B. This chapter shall not in any manner preclude any applicant from implementing additional green strategies to gain the appropriate Leadership in Energy and Environmental Design (LEED) rating, Build It Green GreenPoints, or equivalent. The cost for such strategies shall be born by the applicant.

CITY ATTY
REVIEW BOP
DATE MAR 08 2011

C. This chapter shall require that all development or redevelopment within the City of Stockton shall comply with the California Green Building Standards Code, Title 24, Part 11, California Code of Regulations (CALGreen).

D. All new materials used for additions, alterations, and repairs shall meet the applicable section of CALGreen. All energy efficient measures that are replaced or new shall meet or exceed current Title 24 (Section 151(f) of Title 24, Part 6) requirements for Stockton (Climate Zone 12).

E. All building additions greater than 5,000 square feet for conditioned nonresidential space for structures permitted prior to November 1, 2002 (based on date of application filing) shall require the total conditioned space to meet or exceed the 2008 Title 24, Part 6 Energy Efficiency Standards as demonstrated through energy calculations. The cost of energy efficiency improvements are not required to exceed 10 percent of the valuation of construction.


F. All building additions greater than 500 square feet for conditioned single-family detached residential space for structures permitted prior to November 1, 2002 (based on date of application filing) shall require the total conditioned space to increase energy efficiency by 30 percent above the 2001 Title 24, Part 6 Energy Efficiency Standards (meeting or exceeding the 2008 Title 24, Part 6 Energy Efficiency Standards) as demonstrated through energy calculations. The cost of energy efficiency improvements are not required to exceed 10 percent of the valuation of construction.

SECTION II. EFFECTIVE DATE.


This ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

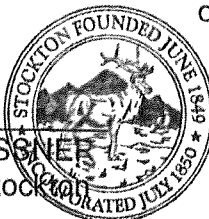
ADOPTED: MAR 15 2011

EFFECTIVE: APR 14 2011


ANN JOHNSTON, Mayor
of the City of Stockton

ATTEST:


KATHERINE GONG MEISSNER
City Clerk of the City of Stockton



Day, Kevin@DGS

From: David Stagnaro [David.Stagnaro@ci.stockton.ca.us]
Sent: Tuesday, May 31, 2011 3:36 PM
To: Day, Kevin@DGS
Subject: Stockton GBO Findings

Follow Up Flag: Follow up
Flag Status: Flagged

Kevin, thank you for taking my call this afternoon. The findings of local climatic conditions as listed below remain the same for ordinance #006-11 as they were for ordinance 010-10.

Thank you,

AN ORDINANCE AMENDING TITLE 15 OF THE STOCKTON MUNICIPAL CODE (SMC) BY ADDING CHAPTER 15.72, GREEN BUILDING STANDARDS

SECTION I. FINDINGS AND INTENT.

The City Council of the City of Stockton finds that the building standards, rules, and regulations established in the California Buildings Standards Code, as provided by California Health and Safety Code section 17922, shall be adopted and incorporated by reference into the SMC.

The City Council finds that the location of Stockton within an area of expansive clay soils, the proximity of the City to the San Joaquin River Delta system, and the extreme hot summer temperatures with very low humidity, seasonally winds of high velocities, extreme seasonally visibility reduction due to thick fog, and the current pattern of development in relation to the location of emergency services require the following amendments, additions, and deletions to the standards, rules, and regulations to mitigate unique local climatic, geological, topographical conditions and impose substantially the same requirements as are contained in the uniform model industry codes, as provided in California Health and Safety Code sections 17958, 17958.5, and 17958.7.

The City Council further finds those existing provisions of Chapter 15 of the SMC which are not hereby adopted, amended, or repealed are amendments, additions, or deletions to the standards, rules, and regulations of the Uniform Model Codes which are necessary to mitigate the above noted unique local conditions and continue to impose substantially the same requirements of the California Model Codes.

David Stagnaro, AICP
Planning Manager
345 N. El Dorado Street
Stockton, CA 95202
(209) 937-8598
david.stagnaro@ci.stockton.ca.us

CALIFORNIA BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130

Sacramento, CA 95833

(916) 263-0916 FAX (916) 263-0959



August 10, 2010

Mr. Eric G. Elias, Deputy Director
Building & Life Safety
City of Stockton
425 N. El Dorado Street
Stockton, CA 95202-1997

Dear Mr. Elias,

This is to acknowledge receipt of your submittal pertaining to Ordinance No. 010-10 C.S. with findings on August 3, 2010. The California Building Standards Commission (Commission) does not process local ordinances regarding energy efficiency standards in the California Energy Code until after approval by the California Energy Commission.

Public Resources Code Section 25402.1(h)2 and Section 10-106 of the Building Energy Efficiency Standards (Standards) established a process which allows local adoption of energy standards that are more stringent than the statewide Standards. Local governments are required to apply to the energy commission for approval of their proposed Standards.

For your information, we have forwarded your submittal for approval to the California Energy Commission at 1516 Ninth Street, MS-25 Sacramento, CA 95814. If you have any questions or need any further information, please contact me at (916) 263-0916.

Sincerely,


Jane G. Taylor
Senior Architect

cc: Chron



CITY OF STOCKTON

COMMUNITY DEVELOPMENT DEPARTMENT

City Hall • 425 N. El Dorado Street • Stockton, CA 95202-1997

July 28, 2010

State of California
Building Standards Commission
2525 Natomas Park Dr., Suite 130
Sacramento, Ca 95833

CITY OF STOCKTON – CERTIFIED COPY OF ADOPTED ORDINANCE MODIFYING THE CALIFORNIA BUILDING STANDARDS CODE

In accordance with the California Health and Safety Code Section 17958.7, the City of Stockton, Building Division hereby submits findings together with modifications to the California Building Standards code. These findings are incorporated into Local Ordinance No. 010-10.

The attached ordinance was presented to the City of Stockton City Council at their July 27, 2010 meeting and approved unanimously with the removal of section E as shown in the approved ordinance.

In you have any questions, please contact Eric Elias as (209)937-8842.

MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

ERIC G. ELIAS, DEPUTY DIRECTOR
BUILDING & LIFE SAFETY

Attachment

::ODMA\GRPWISE\COS.CDD.CDD_Library:85686.1

RECEIVED
2010 AUG -3 A 11:19
STOCKTON BUILDING
STANDARDS COMMISSION



010-10 C.S.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 15 OF THE STOCKTON MUNICIPAL CODE (SMC) BY ADDING CHAPTER 15.72, GREEN BUILDING STANDARDS

SECTION I. FINDINGS AND INTENT.

The City Council of the City of Stockton finds that the building standards, rules, and regulations established in the California Buildings Standards Code, as provided by California Health and Safety Code section 17922, shall be adopted and incorporated by reference into the SMC.

The City Council finds that the location of Stockton within an area of expansive clay soils, the proximity of the City to the San Joaquin River Delta system, and the extreme hot summer temperatures with very low humidity, seasonally winds of high velocities, extreme seasonally visibility reduction due to thick fog, and the current pattern of development in relation to the location of emergency services require the following amendments, additions, and deletions to the standards, rules, and regulations to mitigate unique local climatic, geological, topographical conditions and impose substantially the same requirements as are contained in the uniform model industry codes, as provided in California Health and Safety Code sections 17958, 17958.5, and 17958.7.

The City Council further finds those existing provisions of Chapter 15 of the SMC which are not hereby adopted, amended, or repealed are amendments, additions, or deletions to the standards, rules, and regulations of the Uniform Model Codes which are necessary to mitigate the above noted unique local conditions and continue to impose substantially the same requirements of the California Model Codes.

SECTION II. AMENDMENT OF CODE.

15.72 GREEN BUILDING ORDINANCE

15.72.010 Purpose


The purpose of this code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. The City of Stockton must comply with Assembly Bill 32 (AB 32), the Global Warming Solutions Act of 2006, which requires a reduction in greenhouse gas (GHG) emissions to 1990 levels by 2020; and Senate Bill (SB) 375, which is the first law to link GHG emissions to transportation and housing planning and cited the City as an example of a means to accomplish those goals. This ordinance will be a tool to implement the above noted bills as well as comply with the requirements of the California Environmental Quality Act and the goals, objectives, policies, and strategies established in the Stockton General Plan. This ordinance will be reviewed a


CITY ATTORNEY
REVIEW GOP
DATE JUL 20 2010

minimum of every 5 years. It is the intent of this ordinance to establish regulations that are equally or more stringent than the requirements of state law. Unless specifically prohibited by state law, requirements established by this ordinance that are more stringent than state law shall be given full effect.

15.72.020 General Provisions: Applicability

- A. This title shall not in any manner affect the permissible use of property, density/intensity of development, design and improvement standards, design review and other applicable standards or requirements of this code, all of which shall be operative and remain in full force and effect without limitation.
- B. This title shall not in any manner preclude any applicant from implementing additional green strategies to gain the appropriate Leadership in Energy and Environmental Design (LEED) rating, Build it Green GreenPoints, or equivalent. The cost for such strategies shall be born by the applicant.
- C. This title shall require that all development or redevelopment within the City of Stockton shall comply with the California Green Building Standards Code, Title 24, Part 11, California Code of Regulations (CALGreen).
- D. All new materials used for additions, alterations, and repairs shall meet the applicable section of CALGreen. All energy efficient measures that are replaced or new shall meet or exceed current Title 24 Package D (Section 151(f) of Title 24, Part 6) requirements for Stockton (Climate Zone 12).

 E. ~~All existing single-family detached homes at time of sale shall have an "Audit" as outlined by the California Energy Commission (CEC) Home Energy Rating System (HERS) and performed by a CEC certified Home Energy Auditor. Homes permitted after the Energy Efficiency Standards in effect on November 1, 2002, are exempt. Audits must be completed within 180 days prior to close of escrow and the Audit report must be made available to the home buyer at least three days prior to close of escrow. (This provision shall become effective 30 days after the adoption of the HERS rulemaking by the California Energy Commission and approval of certified Audit software.)~~

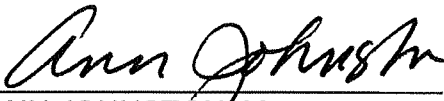
 F. All building additions greater than 5,000 ft² for conditioned non-residential space and greater than 500 ft² for conditioned single-family detached residential space for structures permitted prior to November 1, 2002 (based on date of application filing) shall require the entire structure to increase energy efficiency by 30% above the 2001 Title 24, Part 6 Energy Efficiency Standards as demonstrated through energy calculations. The cost of energy efficiency improvements are not required to exceed 10% of the valuation of construction.

SECTION III. EFFECTIVE DATE.


This ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

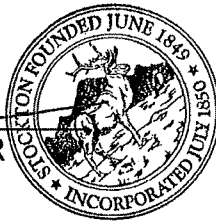
ADOPTED: JUL 27 2010

EFFECTIVE: AUG 26 2010


ANN JOHNSTON, Mayor
of the City of Stockton

ATTEST:


KATHERINE GONG MEISSNER
City Clerk of the City of Stockton



::ODMA\GRPWISE\COS.CDD\CDD_LIBRARY\85681.1

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



March 10, 2011

Eric G. Elias, Acting Deputy Director
Community Development Dept., Building Division
City of Stockton
425 N. El Dorado Street
Stockton, CA 95202-1997

Dear Mr. Elias:


This letter is to acknowledge receipt on February 23, 2011 of the City of Stockton submittal pertaining to Ordinance Nos. 001-11, 002-11, and 003-11C.S. with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,


Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



CITY OF STOCKTON

COMMUNITY DEVELOPMENT DEPARTMENT

City Hall • 425 N. El Dorado Street • Stockton, CA 95202-1997

February 17, 2011

State of California
Building Standards Commission
2525 Natomas Park Dr., Suite 130
Sacramento, CA 95833

CITY OF STOCKTON – CERTIFIED COPY OF ADOPTED ORDINANCE MODIFYING THE CALIFORNIA BUILDING STANDARDS CODE

In accordance with the California Health and Safety Code Section 17958.7, the City of Stockton, Building Division hereby submits findings together with modifications to the California Building Standards code. These finding are incorporated into Local Ordinance Nos. 001-11, 002-11, and 003-11 C.S.

If you have any questions, please contact Eric Elias at (209) 937-8842.

MICHAEL M. NIBLOCK, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT

ERIC G. ELIAS, ACTING DEPUTY DIRECTOR/
BUILDING DIVISION

MMN:EGE:an

Enclosure

2011 FEB 23 PM 10:50
CITY OF STOCKTON
COMMUNITY DEVELOPMENT DEPARTMENT

001-11 C.S.

ORDINANCE NO.

ORDINANCE AMENDING TITLE 15, CHAPTERS 15.04, 15.08, 15.10, 15.16, 15.20, 15.36, 15.40, AND 15.60 AND ADDING CHAPTER 15.10 OF THE STOCKTON MUNICIPAL CODE BY INCORPORATING THE 2010 EDITION OF CALIFORNIA CODE OF REGULATIONS, TITLE 24, INCLUDING APPLICABLE APPENDICES (CALIFORNIA MODEL BUILDING CODE).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION I. FINDINGS AND INTENT

The City Council of the City of Stockton finds that the building standards, rules, and regulations established in Title 24 of the 2010 Edition of the California Code of Regulations, including applicable appendices, shall be adopted and incorporated by reference into the Stockton Municipal Code, Title 15, Chapters 15.04, 15.08, 15.10, 15.16, 15.20, 15.36, 15.40, and 15.60.

The City Council finds that the location of Stockton within an area of expansive clay soils, the proximity of the City to the San Joaquin River Delta system, and the extreme hot summer temperatures with very low humidity, seasonal winds of high velocities, extreme seasonal visibility reduction due to thick fog, and the current pattern of development in relation to the location of emergency services require the following amendments, additions, and deletions to the standards, rules, and regulations to mitigate unique local climatic, geological, and topographical conditions and impose substantially the same requirements as contained in the 2010 Edition of the California Code of Regulations, Title 24, including applicable appendices.

The City Council further finds those existing provisions of Title 15 of the Stockton Municipal Code which are not hereby adopted, amended, or repealed are amendments, additions, or deletions to the standards, rules, and regulations of the Uniform Model Codes which are necessary to mitigate the above-noted unique local conditions and continue to impose substantially the same requirements of the 2010 Edition of the California Code of Regulations, Title 24, including applicable appendices.

SECTION II. AMENDMENT OF CODE

The below-noted sections of Title 15, Chapters 15.04 and 15.08 of the Stockton Municipal Code are hereby amended to read as follows:

City Atty
Review GOP
Date January 19, 2011

Chapter 15.04 Administrative Provisions for Construction Codes

Sections

15.04.040	Application to existing buildings
15.04.070	Alternate materials and methods of construction
15.04.090	Tests
15.04.110	Authority
15.04.120	Powers and duties of Building Official
15.04.160	Organization and membership
15.04.170	Powers and duties
15.04.200	Handicapped Access Board of Appeals
15.04.210	Definitions
15.04.250	Permits
15.04.260	Application for permit
15.04.270	Permit issuance
15.04.280	Fees
15.04.310	Inspections
15.04.320	Special Inspections
15.04.330	Certificate of occupancy

Chapter 15.08 Building Code

15.08.10	Adoption of California Building Code
15.08.20	Effect of code provisions

Chapter 15.10 Residential Code

15.10.010	Adoption of California Residential Code
15.10.020	Purpose

Chapter 15.16 Plumbing Code

15.16.010	Adoption of California Plumbing Code
15.16.020	Amendments

15.20 Mechanical Code

15.20. 010	Adoption of California Mechanical Code
------------	--

Chapter 15.36 Electrical Code

15.36.010	Adoption of California Electrical Code
15.36.020	Effect of code provisions

Chapter 15.40 Existing Building Code

15.40.10 Adoption of California Existing Building Code

Chapter 15.60 Building Numbers

15.60.010 Building numbers required

TITLE 15 BUILDINGS AND CONSTRUCTION

Chapter 15.04 ADMINISTRATIVE PROVISIONS FOR CONSTRUCTION CODES

Article I. Title and Scope

15.04.040 Application to existing buildings.

E. Historic Buildings. Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a building, structure, or its building service equipment or private parking lots may be made with conformance to the alternative building regulations as set forth in the State Historical Building Code, Title 24, Part 8 as adopted, amended, and repealed in Title 24 of the California Administrative Code when authorized by the Building Official, provided:

1. The building structure or private parking lot has been designated by official action of the legally constituted authority of this jurisdiction as having special historical or architectural significance.

2. Any unsafe conditions as described in this code are corrected.

3. The restored building or structure and its building service equipment or private parking lot will be no more hazardous based on life safety, fire safety, and sanitation than the existing building. (Prior code § 13-104)

15.04.070 Alternate materials and methods of construction.

Section 104.11, Chapter 1 of the California Building Code, 2010 Edition is hereby amended to read:

The provisions of the adopted administrative provisions and model codes are not intended to prevent the use of any material or method of construction not specifically prescribed by the adopted model codes, provided any such alternate has been approved by the Building Official.

The Building Official, as provided in Section 15.04.110, may approve any such alternate provided he finds that the proposed design is satisfactory and complies with the provisions of the model codes and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in the model codes in quality, strength, effectiveness, fire resistance, durability, safety, and sanitation.

The Building Official, as provided in Section 15.04.110, shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. (Prior code § 13-107)

15.04.090 Tests.

Section 104.11.2 Chapter 1 of the California Building Code, 2010 Edition is hereby amended to read:

Whenever there is insufficient evidence of compliance with the provisions of the adopted model codes or evidence that any materials or any construction does not conform to the requirements of the adopted model codes, or in order to substantiate claims for alternate materials or methods of construction, the Building Official, as provided in Section 15.04.110, may require tests as proof of compliance to be made at the expense of the owner or his agent by an approved agency.

Test methods shall be as specified by the adopted model codes for the material in question. If there are no appropriate test methods specified in the adopted model codes, the Building Official shall determine the test procedures.

All tests shall be made by an agency. Reports of such tests shall be retained by the Building Official for the period required for the retention of public records. (Prior code § 13-108)

Article II. Organization and Enforcement

15.04.110 Authority.

A. General. Whenever the term or title "Administrative Authority," "Responsible Official," "Building Official," "Chief Inspector," "Director," or "Code Enforcement Officer" is used herein or in any of the model codes contained in this title, it shall be construed to mean the Director, Community Development Department or the Deputy Director, Building and Safety Division or any duly delegated representative.

B. Creation of Building and Safety Division. There is hereby created in the Department of Community Development, hereafter referred to as the "Department" which shall be under the direction of the Director of Community Development, a Building and Safety Division which shall consist of a Deputy Director, Building and Safety Division, and such inspectors, plans examiners, and other employees as the Council may, by ordinance or resolution, direct. (Prior code § 13-201)

15.04.120 Powers and duties of Building Official.

B. Deputies. In accordance with the prescribed procedure and with the approval of the chief appointing authority, the Building Official may appoint such number of officers, inspectors, assistants, and other employees as shall be authorized from time to time. He or she may deputize such employees as may be necessary, to carry out the function of the Building and Safety Division.

15.04.160 Organization and membership.

A. The Building Board of Appeals shall be comprised of seven (7) members appointed by the Mayor with the advice and consent of the City Council. The Deputy Director of the Community Development Department/Building and Safety Division shall serve as ex officio secretary of the Board but shall not vote.

1. One member shall be a general building contractor;
2. One member shall be a plumbing contractor;
3. One member shall be an electrical contractor;
4. One member shall be a mechanical contractor;
5. One member shall be an engineer or architect;
6. One member shall be selected from the lay community; and
7. One member shall be a fire protection engineer or fire protection contractor with at least ten years of experience which shall have been in responsible charge of work.

15.04.170 Powers and duties.

The Board's function is:

A. To hear appeals of decisions made by the Building Official relative to the denials of requests to use alternative methods and materials and from aggrieved parties relative to the application of the California Code of Regulations, Title 24, and related regulations of the City.

Notwithstanding any other provisions of this code, the Board, whenever there are practical difficulties involved in carrying out the provisions of the above-mentioned model codes or related regulations of the City, may grant modifications for individual cases, provided it shall first find that a special individual reason makes compliance with the strict letter of these codes and regulations impractical and that the modification is in conformity with their intent and purpose.

B. Conduct of Appeals.

1. The Board shall exercise its powers in such a manner that substantial justice is done most nearly in accord with the intent and purpose of this code, the California Code of Regulations, Title 24, and related regulations of the City of Stockton to provide relief where possible to aggrieved parties which is consistent with the security of the public welfare.

Article III. Handicapped Access Board of Appeals

15.04.200 Handicapped Access Board of Appeals.

15.04.210 Definitions.

For purposes of this article, the following words and phrases are defined:

"Board" means the Handicapped Access Board of Appeals.

"Building Official" means the Director of Community Development, or the Deputy Director in charge of the Building and Safety Division, or a duly authorized representative.

"Member" means a member of the Handicapped Access Board of Appeals. (Prior code § 13-211)

Article IV. Permits, Inspections, and Fees

15.04.250 Permits.

Section 105.1 Chapter 1 of the California Building Code, 2010 Edition is hereby amended to read.

Permits Required. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, any boathouse, nonregistered houseboat, wharf, boat dock, or other water-related structure or make any installation, alteration, repair, replacement, or remodel of any equipment, system, or private parking lot regulated by the adopted administrative provisions and model codes, without first obtaining a permit for each building, structure, equipment, system, or private parking lot from the Building Official. (Ord. 026-07 C.S. § 3; prior code § 13-301)

15.04.260 Application for permit.

Section 106.1, Chapter 1 of the California Building Code, 2010 Edition is hereby amended to read.

Information on Plans and Specifications: Plans and specifications shall be drawn to scale upon substantial paper or cloth eighteen inches by twenty-four inches (18" by 24") minimum dimensions and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of these codes and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall give the street address of the work and the name and address of the owner and person who prepared them. Plans for buildings and structures shall include a plot plan showing the location of the proposed building and of every existing building on the property. In lieu of detailed specifications, the Building Official may approve references on the plans to a specific section or part of these codes or other ordinances or laws.

Computations, stress diagrams, and other data sufficient to show the correctness of the plans shall be submitted when required by the Building Official. Plans for buildings more than two (2) stories in height of other than Group R, Division 3 and Group U Occupancies shall indicate how required structural and fire-resistive integrity will be maintained where a penetration will be made for electrical, mechanical, plumbing and communications conduits, pipes, and similar systems.

In addition to the foregoing, plans and specifications for equipment or systems shall show the following:

1. Layout for each floor and systems or parking lot;
2. Location for all equipment;
3. Sizing and capacities of systems; and
4. Types of materials used.

(Ord. 026-07 C.S. § 3; prior code § 13-302)

15.04.270 Permit issuance.

Sections 107.3, 107.3.1, 107.3.3, and 107.4 Chapter 1, of the California Building Code, 2010 Edition, are hereby amended to read.

A. Procedure for Issuance.

1. Review of Plans: The application, plans, specifications, computations, and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of the City of Stockton and other enforcement agencies to verify compliance with the applicable laws

under their jurisdiction. If the Building Official is satisfied that the work described in the application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of these codes and other pertinent laws, ordinances, and resolutions, and that the fees specified in Section 15.04.280 and Title 16 et seq., and accompanying resolutions have been paid, a permit shall be issued to the applicant.

2. Endorsement; Modification of Approved Plans: When a permit for which plans are required is issued, the Building Official shall endorse in writing or stamp on two sets of plans and specifications "Approved." Such approved plans and specifications shall not be changed, modified, or altered without prior written authorization from the Building Official, and all work regulated by these codes shall be done in accordance with the approved plans.

3. Permits for Partial Construction: The Building Official may issue a permit for the construction of part of a building, structure, or system before the entire plans and specifications for the whole building, structure, or system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of these codes. The holder of such permit shall proceed at their own risk without assurance that the permit for the entire building, structure, equipment, or system will be granted.

B. Denial of Permit: A permit shall not be issued for work on property within an area which has been determined by the Building Official to be unsafe for such work, and because of the hazard there is no way in which the structure can be erected on such land so that it will be safe.

C. Retention of Construction Documents: One set of approved plans, specifications, and computations shall be retained by the Building Official for a period of time set forth in State and local statutes, and one set of plans and specifications shall be returned to the applicant and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

D. Expiration of Permit.

1. Every permit issued by the Building Official under the provisions of these codes shall expire by limitation and become null and void in the following circumstances:

a. If the building or work authorized by such permit is not commenced and at least one inspection recorded on the permit within one hundred eighty (180) days from the date of issuance of such permit or;

b. If the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Work shall be deemed abandoned or suspended if one hundred eighty (180) days has expired between inspections recorded on the permit.

2. Before such work can be recommended a new permit shall be first obtained to do so, and the fee therefore shall be one-half (1/2) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work and provided further that such suspension or abandonment has not exceeded one (1) year.

3. Any permittee holding an unexpired permit may apply for an extension of the time within which work may be commenced under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. The Building Official is authorized to grant, in writing, one or more extensions of time, for a period of not more than one hundred eighty (180) days each. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

E. Notwithstanding any other provisions of this Code to the contrary, in the event, after issuance of a Building Permit, the Building Official finds that work has been suspended or not prosecuted diligently during the one hundred eighty (180) day validity period, then upon recommendation to the Building Board of Appeals and upon majority vote of the Building Board of Appeals, the Board may terminate the permit, add conditions to said permit, including the requirement of a faithful performance bond guaranteeing completion of the structure within a reasonable time as specified by the Board if the permit is renewed or extended, or impose other penalties and sanctions as it may deem appropriate. A copy of the Building Official's recommendation shall be sent to the holder of the building permit at the same time that said recommendation is sent to the Building Board of Appeals.

Any action taken by the Building Board of Appeals as herein provided shall be taken only after a public hearing, in accordance with the procedures set forth in Title 15 of the Stockton Municipal Code. At least ten (10) days' written notice shall be given to the holder of the Building Permit prior to the date set for public hearing. (Ord. 026-07 C.S. § 3; prior code § 13-303)

15.04.280 Fees.

Section 109 Chapter 1 of the California Building Code, 2010 Edition is hereby amended to read.

A. Establishment of Fees: Permit fees shall be established from time to time by resolution of the Council of the City of Stockton.

B. Determination of Value:

The applicant for a permit shall provide an estimated permit value at time of application. The value to be used in computing the building permit and building plan review fees shall be the total of all construction work for which the permit is being issued, as well as finish work, painting, roofing, electrical, plumbing, gas, heating, air conditioning, elevators, fire extinguishing systems, and any other permanent equipment and systems. Value for donated and/or discounted materials and labor shall be established at typical market value and rates. The permit shall include additional valuation for work on the project site such as lighting, sewer, water service, and other items requiring inspection. In no case shall the valuation for new construction or additions be less than determined by the International Code Council based cost tables. When permitted work includes an alteration to an existing structure, or includes work outside of the standard calculated fee areas determined by the International Code Council based square footage cost tables, the applicant shall provide actual/contracted project costs to establish the additional non-calculated valuation of the total permitted project. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

C. Work Without a Permit—Investigation Fee: Where work for which a permit is required is started or proceeded prior to obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee shall be collected at the time the permit is issued. The investigation fee shall total twice the amount of the permit fee. The investigation fee shall be in addition to the permit fee.

The payment of the investigation fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work or from any other penalties prescribed by law.

D. Investigation Fee—Appeal: Any person required to pay an investigation fee under subsection C above, may appeal the imposition of such investigation fee to the Board of Appeals. Such appeal shall be filed according to the rules and regulations of the Board of Appeals.

Whenever the Board of Appeals finds that there is a reasonable excuse for the failure to obtain a building permit, the Board of Appeals may reduce the amount of the investigation fee to one-ninth ($1/9$) of the amount of the investigation fee as set forth in subsection C above.

In determining whether there is a reasonable excuse for the failure to obtain a permit, the Board of Appeals may consider such factors as unfamiliarity with the Code or demonstrable negligence on the part of an employee.

E. Record Fees Collected: The Director shall keep a permanent, accurate account of all fees collected and give the name of each of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

F. Plan Review Fees: When a plan or other data is required to be submitted, a plan review fee shall be paid. Said plan review fee shall be collected either at the time of submitting plans and specifications or at the time of issuance of the permit, at the discretion of the Building Official. Said plan review fees for buildings or structures shall be those established by resolution of the Council of the City of Stockton.

The plan review fees specified in this subsection are separate fees from the permit fees specified in subsection A of this section and are in addition to the permit fees.

The plan review fees for electrical, mechanical, and plumbing work shall be charged at the rate established by resolution of the Council of the City of Stockton.

Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate established by resolution of the Council of the City of Stockton.

G. Combination Permit: Combination permits are required for any project for which there is more than one trade involved in the construction of a project, including building, mechanical, plumbing, and/or electrical.

H. Expiration of Plan Review: Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding ninety (90) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. The Building Official is authorized to grant one or more extensions of time for additional periods not exceeding ninety (90) days each. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

I. Fee Refunds:

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

2. The Building Official may authorize the refunding of the permit fee paid when no work has been done under a permit issued in accordance with this Code. The plan review fee shall be retained.

3. The Building Official may authorize the refunding of not more than eighty percent (80%) of the plan review fee paid when an application for a permit for

which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment. (Ord. 026-07 C.S. § 3; prior code § 13-304)

15.04.310 Inspections.

Section 110 Chapter 1 of the California Building Code, 2010 Edition is hereby amended to read.

A. General. All construction or work for which a permit is required shall be subject to inspection by the Building Official and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the Building Official. In addition, certain types of construction shall be subject to continuous inspections as specified in Section 15.04.320.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these Codes or of other ordinances of the City of Stockton. Inspections purporting to waive or authorize violation of any provisions of these Codes or of other ordinances of the City of Stockton shall be void.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the City of Stockton shall be liable for any expense entailed in the removal or replacement of any material required to allow inspection.

A survey of the lot may be required by the Building Official to verify that the structure is located in accordance with the approved plans.

B. Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least twenty-four (24) hours before such inspection is scheduled. Such request may be in writing or by telephone at the option of the Building Official.

It shall be the duty of the person requesting any inspection required by these Codes to provide access to and means for proper inspection of such work.

C. Inspection Record Card. Work requiring a building permit shall not be commenced until the permit holder or their agent shall have posted an inspection record card in a conspicuous place on the front premises and in such a position as to allow the Building Official to conveniently make the required entries thereon regarding inspection

of the work. This card shall be maintained in such position by the permit holder until final approval has been issued by the Building Official.

D. Approvals Required; Conformity with Approved Plans. No work shall be done on any part of the building, structure, or private parking lot beyond the point indicated in each successive inspection without first obtaining the written approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate that portion of the construction is satisfactory as completed or shall notify the permit holder or their agent wherein the same fails to comply with these Codes and the approved plans, specifications, and permit conditions. Any portions which do not comply shall be corrected and such portions shall not be covered or concealed until authorized by the Building Official. Such written approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the inspections required in subsection E, below.

There shall be a final inspection and approval of all buildings and building service equipment when completed and ready for occupancy.

E. Required Inspections. Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the Building Official.

The Building Official shall make the following inspections upon notification by the permit holder or their agent providing all other requirements of this section have been met. The Building Official shall either approve that portion of the construction as completed or shall notify the permit holder or their agent wherein the same fails to comply with these Codes, the approved plans and specifications, or other permit conditions.

1. Foundation Inspection: To be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on the job. Where concrete from a central mixing plant (commonly termed "transit mixed") is to be used, materials need not be on the job.

2. Concrete Slab or Underfloor Inspection: To be made after all in-slab or underfloor building service equipment, conduit, piping accessories, and other auxiliary equipment items are in place, inspected, and approved but before any concrete is poured or floor sheathing installed, including the subfloor.

3. Frame Inspection: To be made after the roof, all framing, fire blocking, and bracing are in place and all pipes, chimneys, and vents are complete and rough electrical, plumbing, heating wires, pipes, and ducts are approved.

4. Insulation Inspection: To be made after all insulation has been installed.

5. Fireplace Inspection: To be made when any masonry fireplace has been constructed to mantel height with reinforcing steel, combustion air openings, and dampers in place.

6. Hollow Concrete Block Masonry: To be made after first block courses are laid up with the first bond beam course steel in place and before bond beam blocks are grouted.

7. Lath and/or Wallboard Inspection: To be made after all lathing and/or wallboard, interior and exterior, is in place but before any plastering is applied or before wallboard joints and fasteners are taped and finished.

8. Final Inspection: To be made after building is complete and ready for occupancy, and public improvements have either been accepted by action of the City Council, or upon application of City Public Works, when the subdivision is otherwise in compliance with all pertinent regulations.

F. Plumbing, Electrical, Mechanical, and Private Parking Lot Inspections.

1. General: All equipment, systems, or private parking lots for which a permit is required under these codes shall be inspected by the Building Official. No portion of any equipment, system, or private parking lot intended to be concealed by any permanent portion of the building or private parking lot shall be concealed until inspected and approved. When the installation of any equipment or system is complete, a second or final inspection shall be made. Equipment or systems regulated by these codes shall not be connected to the fuel or power supply until authorized by the Building Official.

2. Operation of Equipment: The requirements of this section shall not be considered to prohibit the operation of any equipment or systems installed to replace existing equipment or systems serving an occupied portion of the building if a request for inspection of such equipment or system has been filed with the Department not more than forty-eight (48) hours after such replacement work is completed and before any portion of such equipment or system is concealed by any permanent portion of the building.

3. Final Inspection Revoked: A final inspection approval may, upon notice, be revoked by the Building Official if it is found that the equipment or system fails in any respect to comply with the requirements of these codes, plans, or specifications or that the installation is unsafe, dangerous, or a hazard to life or property.

G. Other Inspections. In addition to the called inspections specified above, the Building Official may make or require other inspections of any construction work or of any existing building to ascertain compliance with the provisions of these codes and other laws which are enforced by the Department Building Official.

For the purpose of determining compliance with Section 15.04.040, the Building Official may cause any structure to be inspected.

H. Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This subsection is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of these codes, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the permit card is not properly posted on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

To obtain a reinspection, the applicant shall file an application therefore in writing upon a form furnished for the purpose, and pay the reinspection fee in accordance with Section 15.04.280.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid. (Ord. 026-07 C.S. § 5; prior code § 13-305)

15.04.320 Special inspections.

In addition to the inspections to be made as specified in section 15.04.310, the owner or the engineer or architect acting as the owner's agent shall employ one or more approved special inspectors who shall provide the special inspections noted in Sections 1704, 1706, and 1707 of the 2010 California Building Code.

15.04.330 Certificate of occupancy.

Sections 111 and 111.2 Chapter 1 of the California Building Code, 2010 Edition, are hereby amended to read.

A. Change in Occupancy. Changes in the character of use of a building shall not be made except as specified in Section 3408 of the California Building Code.

B. Certificate Issued. After final inspection when it is found that the building or structure complies with the provisions of these codes, the Building Official shall issue a Certificate of Occupancy which shall contain the following.

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure complies with the requirements of these codes for group and division of occupancy as classified.
6. The name of the Building Official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.
10. The design occupant load.
11. If an automatic sprinkler system is provided whether the sprinkler system is required.

C. Posting. The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official. (Ord. 026-07 C.S. § 7; prior code § 13-307)

Chapter 15.08 BUILDING CODE

15.08.010 Adoption of California Building Code.

On November 16, 2010, there were filed in the Office of the City Clerk, three (3) copies of the California Building Code, 2010 Edition including appendices I and J, as published by the California Building Standards Commission and which incorporates by adoption the 2009 Edition of the International Building Code adopted by the International Code Council. Said code is hereby incorporated in this code by reference. (Ord. 026-07 C.S. § 9; prior code § 14-100)

15.08.020 Effect of code provisions.

The provisions of this chapter are supplementary to the provisions of the California Building Code 2010 Edition as adopted in Section 15.08.010. (Prior code § 14-101)

SECTION III. AMENDMENT OF CODE

Title 15, Chapter 15.10 of the Stockton Municipal Code is hereby added to read as follows:

Chapter 15.10 RESIDENTIAL CODE

15.10.010 Adoption of California Residential Code.

On November 16, 2010, there were filed in the Office of the City Clerk, three (3) copies of the California Residential Code, 2010 Edition including appendices H and K, as published by the California Building Standards Commission and which incorporates by adoption the 2009 Edition of the International Building Code adopted by the International Code Council. Said code is hereby incorporated in this code by reference. (Ord. 026-07 C.S. § 9; prior code § 14-100)

15.10.020 Purpose.

The purpose of the Code is to provide minimum standards to safeguard life, limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of material, use, and location of all one and two family dwellings, townhouses, and accessory structures as classified in Section 1.1.3 of the Residential Code.

15.10.030 Scope.

The 2010 California Residential Code, Title 24, Part 2.5 of the California Code of Regulations, a portion of the California Building Standards Code as defined in the California State Health and Safety Code sections 17922 and 18901 et. seq. (hereinafter referred to as the Residential Code), and any rules and regulations promulgated pursuant thereto and as defined in California Health and Safety Code section 18938.3, including Residential Code Appendix H (Patio Covers) and Appendix K (Sound Transmission), are hereby adopted and incorporated by reference herein. Except as otherwise provided by this Chapter and Chapters 15.04 and 15.08 of the Stockton Municipal Code, all construction, alteration, moving, demolition, repairs, and use of any building or structure within this jurisdiction shall be made in conformance with the Residential Code and any rules and regulations promulgated pursuant thereto.

SECTION IV. AMENDMENT OF CODE

The below-noted sections of Title 15, Chapters 15.16, 15.20, and 15.36 of the Stockton Municipal Code, are hereby amended to read as follows:

Chapter 15.16 PLUMBING CODE

15.16.010 Adoption of California Plumbing Code.

On November 16, 2010, there were filed in the office of the City Clerk three (3) copies of the California Plumbing Code, 2010 Edition, including all appendices and installation standards adopted by the International Association of Plumbing and Mechanical Officials. Said code is hereby incorporated in this code by reference. (Ord. 026-07 C.S. § 10; prior code § 14-200)

15.16.020 Amendments.

Notwithstanding the provisions of Section 15.16.010, the Plumbing Code, including Chapter 1 Division II and Appendix K, are amended as follows:

- Chapter 1, Division II, Section 103.4 "Fee" is not adopted.
- Chapter 1, Division II, Section 218.0 definition "Private Sewage Disposal Systems" is added as follows:
 - The installation of private sewage disposal is under the jurisdiction of the San Joaquin Environmental Health Department.
- Section 713.4 is amended as follows:
 - 713.4 Public Sewer Availability. The public sewer may be considered as not being available when public sewer is not available within 200 feet of the property line.
- Section D1, Appendix D, "Sizing Storm Water Drainage Systems" is amended as follows:
 - Section D1, Roof drainage, roof drains, and roofs shall be designed to carry away rainfall at the rate of at least 2 inches of rainfall per hour.
- The provisions of the Plumbing Code in reference to Food Waste Disposal sections 714.4 and 1014.1.3 shall be amended as per Stockton Municipal Code section 13.40.070.B - prohibiting the installation of food grinder in a food service establishment.

Chapter 15.20 MECHANICAL CODE

15.20.010 Adoption of California Mechanical Code.

On November 16, 2010, there were filed in the office of the City Clerk three (3) copies of the California Mechanical Code, 2010 Edition including all appendices jointly published by the International Conference of Building Officials. Said code is hereby incorporated in this code by reference. (Ord. 026-07 C.S. § 11; prior code § 14-300)

Chapter 15.36 ELECTRICAL CODE

15.36.010 Adoption of California Electrical Code.

On November 16, 2010, there were filed in the office of the City Clerk three (3) copies of the California Electrical Code, 2010 Edition, as adopted by the National Fire Protection Association. Said code is hereby incorporated in this code by reference. (Ord. 026-07 C.S. § 14; prior code § 14-700)

15.36.020 Effect of code provisions.

The provisions of this chapter are supplementary to the provisions of the California Electrical Code, 2010 Edition, as adopted in Section 15.36.010. The provisions of this chapter control over the provisions of the California Electrical Code Article 90, to the extent that any conflict or contradiction exists. (Ord. 026-07 C.S. § 14; prior code § 14-701)

SECTION V. AMENDMENT OF CODE

Title 15, Chapter 15.40 (California Existing Building Code, Appendix A1) of the Stockton Municipal Code is hereby amended by repealing the entire Chapter and replacing it with a new Chapter 15.40 to read as follows:

Chapter 15.40 EXISTING BUILDING CODE

15.40.010 Adoption of California Existing Building Code.

On November 16, 2007, there were filed in the office of the City Clerk three (3) copies of the California Existing Building Code, 2007 Edition, as published by the California Building Standards Commission and which incorporates by adoption the 2006 Edition of the International Building Code adopted by the International Code Council. Said code is hereby incorporated in this code by reference. (Ord. 026-07 C.S. § 9; prior code § 14-100)

SECTION VI. AMENDMENT OF CODE

The below-noted section of Title 15, Chapter 15.60 of the Stockton Municipal Code is hereby amended to read as follows:

Chapter 15.60 BUILDING NUMBERS

15.60.010 Building numbers required.

All entrances from public streets of the City to buildings shall be numbered as hereinafter provided. The number of each and every entrance shall be placed on or immediately above the door or gate closing said entrance or porch fascia or in a place

and position so as to be clearly visible from the curb. Each figure or said number shall be four (4) inches high of corresponding width for residential properties. Commercial and Industrial properties shall be a minimum of twelve (12) inches high on the building and six (6) inches high on the suite. The appropriate number of any entrance to any building shall be placed thereon within ten (10) days after the receipt by the owner, occupant, lessee, tenant, or subtenant of such building, of a notice from the Community Development Director of the number or numbers designated for such building; and all numbers other than the number provided for herein for the respective entrances shall be removed from every building by the owners, occupants, lessees, tenants, or subtenants thereof within ten (10) days from the service of said notice designating the appropriate numbers to be placed thereon. It shall be the duty of the Community Development Director to designate the respective numbers for buildings fronting on streets heretofore laid out or hereafter to be laid out or extended. (Prior code § 14-950)

SECTION VII. SEVERABILITY.

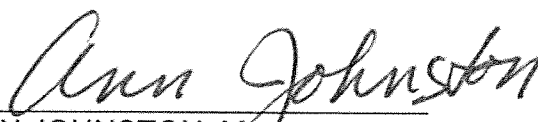
If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION VIII. EFFECTIVE DATE.

This ordinance shall take affect and be in full force thirty (30) days after its passage.

ADOPTED: JAN 25 2011

EFFECTIVE: FEB 24 2011

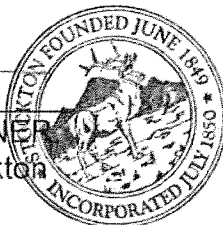


ANN JOHNSTON, Mayor
of the City of Stockton

ATTEST:



KATHERINE GONG-MEISSNER
City Clerk of the City of Stockton



002-11 C.S.

ORDINANCE NO.

ORDINANCE AMENDING TITLE 15, CHAPTER 15.12 OF THE STOCKTON MUNICIPAL CODE BY REPEALING AND REPLACING THE ENTIRE CHAPTER BY INCORPORATING APPLICABLE PROVISIONS OF THE 2010 CALIFORNIA FIRE CODE, INCLUDING APPLICABLE APPENDICES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION I. AMENDMENT OF CODE

Title 15, Chapter 15.12 of the Stockton Municipal Code is hereby amended by repealing the entire Chapter and replacing it with a new Chapter 15.12 to read as follows:

Chapter 15.12 FIRE CODE

Sections:

- 15.12.010 Adoption of California Fire Code, 2010 Edition
- 15.12.020 Scope and Administration
- 15.12.030 Fire Service Features
- 15.12.040 Fire Protection Systems
- 15.12.050 Establishment of the Effectiveness of each Ordinance Provision
- 15.12.060 Motor Fuel-Dispensing Facilities and Repair Garages
- 15.12.070 Hazardous Material-General Provisions
- 15.12.080 Flammable and Combustible Liquids
- 15.12.090 Flammable gases and flammable cryogenic fluids
- 15.12.100 Liquefied Petroleum Gases
- 15.12.110 Fire Hydrant Locations and Distribution

15.12.010 Adoption of California Fire Code, 2010 Edition.

On November 16, 2010, there were filed in the Office of the City Clerk three (3) copies the California Fire Code, 2010 Edition including Appendix Chapter 4, A, B, BB, C, CC, D, E, F, G, H, I, J (see California Fire Code section 101.2.1, 2010 Edition), as published by the International Code Council. Said Code is hereby adopted and incorporated in this Code by reference, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions, and terms of said Fire Code on file in the

City Atty 
Review _____
Date January 19, 2011

office of the City of Stockton and hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, and changes, if any, prescribed in this ordinance.

15.12.020 Scope and Administration.

A. Title. These regulations shall be known as the Fire Code of the City of Stockton, hereinafter referred to as "this code."

B. Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber, cork, or similar combustible material.

C. Rubber Tire Storage. An operational permit is required for the storage of tires indoors/outdoors in excess of 1,000 cubic feet.

D. Pallet Storage. An operational permit is required to store pallets, palletized packing boxes, or bin boxes in excess of 30,000 board feet.

E. Additional Permits. In addition to the permits required by Section 105.6, the following permits shall be obtained from the Stockton Fire Department, Fire Prevention Bureau prior to engaging in the following activities, operations, practices, or functions:

1. Medical Gas Systems - An operational permit is required for any medical gas system installed in a commercial building.

2. Christmas Trees - An operational permit is required when placed in a public building.

3. Christmas Tree Lot - An operational permit is required to operate a seasonal outdoor Christmas tree lot.

4. Multi-Family Dwelling - An operational permit is required to operate a multi-family dwelling of 3 units or more.

5. Hood & Duct - An operational permit is required for a hood & duct fire extinguishing system in a building.

6. Mobile Food Vendor - An operational permit is required for a mobile food vendor with a fire extinguishing system.

7. Mobile Hot Works - An operational permit is required for a mobile hot works operation.

F. Violation penalties. Persons who violate a provision of this code or fail to comply with any of the requirements thereof or who erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$500 or by imprisonment not exceeding six months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

G. False Alarms.

1. It is unlawful for any property owner or licensed contractor to fail to notify the Fire Department Emergency Communications Division prior to any test, installation, repair, modification, addition, or maintenance of any fire alarm or fire extinguishing system which could result in the transmission of a false alarm.

2. The Fire Department may charge fees that reasonably constitute the cost of response to false alarms when it is determined that the reported alarm is malicious or results from failure to maintain the alarm system or failure to properly notify the Fire Department that the system is being tested or worked on. The Fire Department will bill the responsible party for the third and any subsequent false alarm responses in any twelve (12)-month period.

H. Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not more than \$500.

15.12.030 Fire Service Features.

Address Identification. New and existing buildings shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of four (4) inches high for residential properties. Commercial and Industrial properties shall be a minimum of twelve (12) inches high on the building and six (6) inches high on the suite. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure.

15.12.040 Fire Protection Systems.

A. Definitions. For the purposes of this Part, the following terms shall be defined as follows:

1. "STORY" is as defined in the 2010 Edition of California Building Code Section 202.

2. "BASEMENT" is as defined in the 2010 Edition of California Building Code Section 502.1

3. "BALCONY, EXTERIOR EXIT" shall mean a landing or porch projecting from the wall of a building which serves as a required exit. The long side of an exterior exit balcony shall be at least 50 percent directly open to the exterior, and the open area above the guardrail shall be so configured as to prevent the accumulation of smoke or toxic gases.

4. "HOTEL," "MOTEL," and/or "RESIDENTIAL HOTEL/MOTEL" is as defined in Stockton Municipal Code Section 5.80.030.

B. Basements. A fire protection system shall be required in basements of all buildings when the basement is used for any purpose other than service to the building. Service to the building includes utilities such as electricity, gas, telephone, cable TV, elevator equipment, HVAC equipment, and water heaters. In lieu of the requirements for basement sprinklers, alternative fire protection may be provided in existing buildings if approved by the Chief.

C. NFPA 13R Sprinkler Systems. Wherever in the code an NFPA 13R sprinkler system is allowed, an NFPA 13 sprinkler system shall be used.

D. Quick-response and residential sprinklers. Where automatic sprinkler systems are required by this code, quick-response or residential automatic sprinklers shall be installed in the following areas in accordance with Section 903.3.1 of the California Fire Code (2010 Edition) and their listings:

1. Throughout all spaces within a smoke compartment containing patient sleeping units in Group I-2 in accordance with the California Building Code.

2. Dwelling units and sleeping units in Group R occupancies.

3. Light-hazard occupancies as defined in NFPA 13.

4. Attic spaces in Group R-3 occupancies shall have pilot heads installed in accordance with NFPA 13D.

E. Existing Group R1 and 2 Buildings.

1. Buildings of four or fewer stories in height shall have an automatic sprinkler system installed in accordance with the most currently adopted edition of the National Fire Protection Association (NFPA) 13R "Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height."

2. Buildings of five or more stories in height shall have an automatic sprinkler system installed in accordance with the most currently adopted edition of the NFPA 13 "Standard for the Installation of Sprinkler Systems."

3. When one of the stories or the basement of a building, requiring an automatic sprinkler system described by Section 915.1.3a of the California Fire Code (2010 Edition), has an occupancy use other than residential, it shall have an automatic sprinkler system installed in accordance with the most currently adopted edition of NFPA 13, "Standard for the Installation of Sprinkler Systems." This includes, but is not limited to, uses such as retail shops and storage rooms.

F. Existing Building Additions.

1. Any new addition to an existing building that places the building's total square footage above 6,000 square feet shall require an automatic fire sprinkler system. Exception: When the existing building exceeds 6,000 square feet and the addition is less than 6,000 square feet (does not include A2/H occupancies), fire sprinklers will not be required for the existing building or the addition if a fire wall (generally 4 hours) without openings is installed.

2. Change of use - In an existing building where a change of use occurs and the new use is more restrictive than the previous use or the original intended use of the building changes, an automatic sprinkler system shall be installed.

3. Percentage of repair - In existing buildings greater than 6,000 square feet in area, and the repair and/or alterations are performed in excess of fifty percent (50%), an automatic sprinkler system shall be installed within the building.

4. Valuation of project - In existing buildings where the valuation of improvement is in excess of fifty percent (50%) of the assessed valuation of the property, an automatic sprinkler system shall be installed.

G. Where required - new buildings and structures. An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.23 of the California Fire Code (2010 Edition) and provide occupant notification in accordance with Section 907.6, unless other requirements are provided by another section of this code.

One or more manual fire alarm boxes shall be provided in an approved location to initiate a fire alarm signal for fire alarm systems employing automatic fire detectors or water-flow detection devices.

Groups A, B, E, F, M, and R occupancy exceptions that indicate omissions of manual fire alarm boxes shall not apply.

H. Exception 2 in Section 907.2.1 of the California Fire Code (2010 Edition) shall be deleted.

I. Remote Test Switches. Where in-duct smoke detectors are installed in concealed locations more than 10 ft (3 m) above the finished floor or in arrangements where the detector's alarm indicator is not visible to responding personnel, the detectors shall be provided with remote alarm indicators and test switch plates. Remote alarm indicators and test switch plates shall be installed in an accessible location and shall be clearly labeled to indicate both their functions and the air-handling unit(s) associated with each detector and test switch plate (for example, In-duct Smoke Detector Alarm and test switch plate for In-duct Smoke Detector).

J. The permittee shall provide a serially numbered certificate from Underwriters Laboratories Inc., for all new and existing required fire alarm systems indicating that the system has been installed in accordance with the approved plans and specifications and will be tested and maintained in accordance with National Fire Protection Association Standards. A copy of the Certificate must be provided to the Chief at no cost.

In addition, companies that are qualified to issue Local Certificates under the Underwriters Laboratories Inc., classification UUJS must meet a one-hour response time requirement comparable to central station service requirements for dispatching a runner or technician in accordance with the most currently adopted edition of National Fire Protection Standard 72. Underwriters Laboratories Inc., not the Stockton Fire Department, determines which companies meet the one-hour runner service requirement. Exception: Agencies with their own Police Department or Fire Department Dispatch Center may have a UL propriety supervising station.

15.12.050 Pallets and Palletized Packing Boxes and Bin Boxes.

A. A permit shall be required to store pallets, palletized packing boxes, or bin boxes in excess of 30,000 board feet, in accordance with the following restrictions:

1. Pallets, palletized packing boxes, and bin boxes shall be piled with due regard to stability of piles and in no case higher than twelve (12) feet. Where pallets are piled next to a property line, the distance from the property line shall not be less than one-half (1/2) the pile height and in no case less than five (5) feet from the property line. Exception: Bin boxes may be stacked to a maximum height of twenty (20) feet.

2. Driveways between and around pallets, bin boxes, and palletized packing boxes shall be a minimum of fifteen (15) feet wide and maintained free from accumulations of rubbish, weeds, machinery, or other articles that would block access or add to the fire hazard. Driveways shall be spaced so a maximum grid of storage is no more than fifty (50) feet by fifty (50) feet.

3. Pallets, palletized packing boxes, and bin box storage operating under a permit shall be enclosed by a suitable fence of at least six (6) feet in height, unless storage is in a building.

4. An approved water supply and fire hydrants capable of supplying the required fire flow shall be provided within one hundred fifty (150) feet of all portions of the storage areas in accordance with Section 903.2, California Fire Code.

5. For permitting purposes, one pallet will be calculated as having twenty-five (25) board feet.

6. For permitting purposes, palletized packing boxes and bin boxes will be calculated based on average board feet per box.

15.12.060 Motor Fuel-Dispensing Facilities and Repair Garages

Listed Equipment. Tanks, electrical equipment, dispensers, hose, nozzles, and submersible or subsurface pumps used in fuel dispensing systems shall be listed. Any modification to listed equipment, including cutting, welding, and/or lining of tanks requires a new listing by a nationally recognized testing laboratory.

15.12.070 Hazardous Material-General Provisions

The limits referred to in Section 2703, Table 2703.1.1 (1) of the California Fire Code in which storage of explosive and blasting agents is prohibited, are hereby established as follows: All areas in the City except those areas zoned IG (Heavy Industrial District) and PT (Port District) as defined in Title 16, Stockton Municipal Code.

15.12.080 Flammable and Combustible Liquids

A. The limits referred to in Section 3404.2.9.6.1 of the California Fire Code, in which storage of flammable or combustible liquids in outside aboveground tanks or vaults is prohibited, are hereby established as follows: Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited. All areas in the City except those areas zoned IG and PT for Class I liquids and CG, CD, CL, IL, IG, and PT for Class II liquids as defined in Title 16, Stockton Municipal Code.

B. The limits referred to in Section 3406.2.4.4 of the California Fire Code, in which new bulk plants for flammable liquids are prohibited, are hereby established as follows: The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited. All areas in the City except those zoned IG (Industrial General) and PT (Port District) as defined in Title 16, Stockton Municipal Code. Zones referred to in this section shall also be subject to approval by the Fire Chief.

15.12.090 Flammable Gases and Flammable Cryogenic Fluids

Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited, except those zoned IG or PT.

15.12.100 Liquefied Petroleum Gases

Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons. Exception: Areas of the City of Stockton zoned CG, CD, CL, IL, IG, and PT as defined in Title 16, Stockton Municipal Code.

15.12.110 Fire Hydrant Locations and Distribution

- A. Refer to City of Stockton Standards for hydrant spacing.
- B. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis.

SECTION II. SEVERABILITY.


If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION III. EFFECTIVE DATE.

This ordinance shall take affect and be in full force thirty (30) days after its passage.

ADOPTED: JAN 25 2011

EFFECTIVE: FEB 24 2011


ANN JOHNSTON, Mayor
of the City of Stockton

ATTEST:


KATHERINE GONG MEISSNER
City Clerk of the City of Stockton



003-11 C.S.

ORDINANCE NO.

ORDINANCE AMENDING TITLE 15, CHAPTER 15.44 OF THE STOCKTON MUNICIPAL CODE BY REPEALING AND REPLACING THE ENTIRE CHAPTER BY INCORPORATING APPLICABLE PROVISIONS OF THE 2010 EDITION OF THE CALIFORNIA CODE OF REGULATIONS, TITLE 24 RELATED TO THE FLOOD DAMAGE PREVENTION PROVISIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

SECTION I. AMENDMENT OF CODE

Title 15, Chapter 15.44 of the Stockton Municipal Code is hereby amended by repealing the entire Chapter and replacing it with a new Chapter 15.44 to read as follows:

Chapter 15.44 FLOOD DAMAGE PREVENTION

Sections

- 15.44.010 Findings of fact
- 15.44.020 Statement of purpose
- 15.44.030 Methods of reducing flood losses
- 15.44.040 Definitions
- 15.44.050 Lands to which this part applies
- 15.44.060 Basis for establishing the areas of special flood hazard
- 15.44.070 Compliance
- 15.44.080 Abrogation and greater restrictions
- 15.44.090 Interpretation
- 15.44.100 Warning of liability
- 15.44.110 Designation of the Floodplain Administrator
- 15.44.120 Duties and responsibilities of the Floodplain Administrator
- 15.44.130 Development permit
- 15.44.140 Appeals
- 15.44.150 Standards of construction
- 15.44.160 Standards for utilities
- 15.44.170 Standards for subdivisions and other proposed development
- 15.44.180 Standards for manufactured homes
- 15.44.190 Standards for recreational vehicles
- 15.44.200 Floodways
- 15.44.210 Nature of Variances
- 15.44.220 Conditions for Variances
- 15.44.230 Factors

City Atty
Review GDP
Date January 19, 2011

Article I. Finding of Fact, Purpose and Objectives

15.44.010 Findings of fact.

A. The Legislature of the State of California has in Government Code sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Stockton of San Joaquin County does hereby adopt the following floodplain management regulations.

B. The flood hazard areas of City of Stockton are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

C. These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses.

15.44.020 Statement of purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide (i.e., mudflow), or flood-related erosion areas. These regulations are designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; and streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

15.44.030 Methods of reducing flood losses.

In order to accomplish its purposes, this ordinance includes regulations to:

A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

D. Control filling, grading, dredging, and other development which may increase flood damage; and

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

15.44.040 Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"A zone" - see "Special flood hazard area."

"Accessory structure" means a structure that is either:

1. Solely for the parking of no more than two (2) cars; or
2. A small, low cost shed for limited storage, less than one hundred twenty (120) square feet and \$1,500 in value.

"Accessory use" means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

"Alluvial fan" means a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel, and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" - see "Special flood hazard area."

"Base flood" means a flood which has a one percent (1%) chance of being equaled or exceeded in any given year (also called the "100-year flood"). Base flood is the term used throughout this ordinance.

"Base flood elevation (BFE)" means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE, and V1-V30 that indicates the water surface elevation resulting from a flood that has a one percent (1%) or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

"Building" - see "Structure."

"Development" means any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of

utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before October 16, 2009.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding, or flood water" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, the unusual and rapid accumulation or runoff of surface waters from any source, and/or mudslides (i.e., mudflows); and
2. The condition resulting from flood-related erosion.

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source - see "Flooding."

"Floodplain Administrator" is the community official designated by title to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other application of police power which control development in flood-prone areas. This term describes federal, state, or

local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Also referred to as "Regulatory Floodway."

"Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

"Fraud and victimization" as related to Article V of this ordinance, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City of Stockton will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred (100) years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" is the local governing unit, i.e., county or municipality that is empowered to adopt and implement regulations to provide for the public health, safety, and general welfare of its citizenry.

"Hardship" as related to Article V of this ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The City of Stockton requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even

if the alternative is more expensive or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition):

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
 - a. The flood openings standard in Section 15.44.160.C.3;
 - b. The anchoring standards in Section 15.44.160 A;

- c. The construction materials and methods standards in Section 15.44.160 B; and
- d. The standards for utilities in Section 15.44.170.

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the Floodplain Administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction" for floodplain management purposes means structures for which the "start of construction" commenced on or after October 16, 2009, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after October 16, 2009.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across, or projecting into any watercourse which may alter, impede, retard, or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One-hundred-year flood" or "100-year flood" - see "Base flood."

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

"Public safety and nuisance" as related to Article V of this ordinance, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sheet flow area" - see "Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, or AH.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

Article II. General Provisions

15.44.050 Lands to which this part applies.

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the City of Stockton.

15.44.060 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for City of Stockton, San Joaquin County, California, and incorporated areas, dated October 16, 2009, with accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps (FBFM), dated October 16, 2009, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this ordinance and which are recommended to the City of Stockton by the Floodplain Administrator. The study, FIRM, and FBFMs are on file at the Community Development Department/Building & Safety Division at 345 N. El Dorado Street, Stockton, California.

15.44.070 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable

regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the City of Stockton from taking such lawful action as is necessary to prevent or remedy any violation.

15.44.080 Abrogation and greater restrictions.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.44.090 Interpretation.

In the interpretation and application of this ordinance, all provisions shall be considered as minimum requirements, liberally construed in favor of the governing body; and deemed neither to limit nor repeal any other powers granted under state statutes.

15.44.100 Warning of liability.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Stockton, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Article III. Administration

15.44.110 Designation of the Floodplain Administrator.

The Community Development Director, as the Floodplain Administrator, is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accord with its provisions.

15.44.120 Duties and responsibilities of the Floodplain Administrator.

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

A. Permit Review.

Review all development permits to determine:

1. Permit requirements of this ordinance have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding;
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Stockton; and
5. All Letters of Map Revision (LOMR) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

B. Development of Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."
2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

C. Review, Use, and Development of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section 15.44.060, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section IV.

NOTE: A base flood elevation shall be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

D. Notification of Other Agencies.

1. Alteration or relocation of a watercourse:

- a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
- b. Submit evidence of such notification to the FEMA; and
- c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

2. Base Flood Elevation changes due to physical alterations:

- a. Within six (6) months of information becoming available or project completion, whichever comes first, the Floodplain Administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a LOMR.
- b. All LOMRs for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on CLOMRs. Approved CLOMRs allow construction

of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E. Documentation of Floodplain Development.

Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 15.44.160 C.1 and Section 15.44.190 (lowest floor elevations);
2. Certification required by Section 15.44.160 C.2 (elevation or floodproofing of nonresidential structures);
3. Certification required by Sections 15.44.160 C.3 (wet floodproofing standard);
4. Certification of elevation required by Section 15.44.180 A.3 (subdivisions and other proposed development standards);
5. Certification required by Section 15.44.210 B (floodway encroachments); and
6. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to FEMA.

F. Map Determination.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.44.150.

G. Remedial Action.

Take action to remedy violations of this ordinance as specified in Section 15.44.070.

H. Biennial Report.

Complete and submit Biennial Report to FEMA.

I. Planning.

Assure that the community's General Plan is consistent with floodplain management objectives herein.

15.44.130 Development permit.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 15.44.060. Application for a development permit shall be made on forms furnished by the City of Stockton. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment, and their location;
2. Proposed locations of water supply, sanitary sewer, and other utilities;
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
4. Location of the regulatory floodway when applicable;
5. Base flood elevation information as specified in Section 15.44.060 or Section 15.44.130 C;
6. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures; and

7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 15.44.160 C.2 of this ordinance and detailed in FEMA Technical Bulletin TB 3-93.
- B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 15.44.160 C.2.
- C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 15.44.160 C.3 of this ordinance and detailed in FEMA Technical Bulletins 1-93 and 7-93.
- D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- E. All appropriate certifications listed in Section 15.44.130E of this ordinance.

15.44.140 Appeals.

The Building Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance, as specified in Stockton Municipal Code section 15.04.140.

Article IV. Provisions for Flood Hazard Reduction

15.44.150 Standards of construction.

In all areas of special flood hazards, the following standards are required:

A. Anchoring.

All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction Materials and Methods.

All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

1. With flood resistant materials and utility equipment resistant to flood damage for areas below the base flood elevation;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
4. Within Zones AH or AO so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing.

1. Residential construction.

All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

- a. In AE, AH, A1-30 Zones, elevated at least two feet above the base flood elevation.
- b. In an AO zone, elevated above the highest adjacent grade to a height two (2) feet above the depth number specified in feet on the FIRM, or elevated at least four (4) feet above the highest adjacent grade if no depth number is specified.
- c. In an A zone, without BFEs specified on the FIRM [unnumbered A zone], elevated to or above the base flood elevation; as determined under Section 15.44.130 C.

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction.

All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Section 15.44.160 C.1 or:

- a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 15.44.160 C.1, so that the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. Be certified by a registered civil engineer or architect that the standards of Sections 15.44.160 C.2.a and b are satisfied. Such certification shall be provided to the Floodplain Administrator.

3. Flood openings.

All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

- a. For non-engineered openings:
 1. Have a minimum of two (2) openings on different sides having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 2. The bottom of all openings shall be no higher than one (1) foot above grade;
 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater; and

4. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
 - b. Be certified by a registered civil engineer or architect.
 4. Manufactured homes.
 - a. See Section 15.44.190.
 5. Garages and low cost accessory structures.
 - a. Attached garages.
 1. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Section 15.44.160 C.3. Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 15.44.160 B.
 2. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.
 - b. Detached garages and accessory structures.
 1. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 15.44.040, may be constructed such that its floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:
 - a) Use of the accessory structure must be limited to parking or limited storage;
 - b) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;

- c) The accessory structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
 - d) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
 - e) The accessory structure must comply with floodplain encroachment provisions in Section 15.44.210; and
 - f) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 15.44.160 C.3.
2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 15.44.160.

15.44.160 Standards for utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

- 1. Infiltration of flood waters into the systems; and
- 2. Discharge from the systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

15.44.170 Standards for subdivisions and other proposed development.

A. All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall:

- 1. Identify the Special Flood Hazard Areas (SFHA) and BFE.
- 2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.

3. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
 - a. Lowest floor elevation.
 - b. Pad elevation.
 - c. Lowest adjacent grade.

B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

15.44.180 Standards for manufactured homes.

A. All manufactured homes that are placed, or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall:

1. Within Zones A1-30, AH, and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the BFE and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

B. All manufactured homes to be placed, or substantially improved, on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the provisions of Section 15.44.190A will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is at least two (2) feet above the BFE; or

2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community Building Inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

15.44.190 Standards for recreational vehicles.

- A. All recreational vehicles placed in Zones A1-30, AH, and AE will either:
 1. Be on the site for fewer than 180 consecutive days; or
 2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 3. Meet the permit requirements of Section 15.44.140 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 15.44.190 A.

15.44.200 Floodways.

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Stockton.
- B. Within an adopted regulatory floodway, the City of Stockton shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- C. If Sections 15.44.210 A and B are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Article IV.

Article V. Variance Procedure

15.44.210 Nature of Variances.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself and not to the structure, its inhabitants, or the property owners.

It is the duty of the City of Stockton to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

15.44.220 Conditions for Variances.

A. Generally, the Floodplain Administrator may issue variances for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Articles III and IV of this ordinance have been fully considered. As the lot size increases beyond one-half (1/2) acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section 15.44.040 of this ordinance) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued

designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the "minimum necessary," considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City of Stockton need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City of Stockton believes will both provide relief and preserve the integrity of the local ordinance.

E. Any applicant to whom a variance is granted shall be given written notice by the Floodplain Administrator that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the San Joaquin County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its Biennial Report submitted to FEMA.

15.44.230 Factors.

A. In passing upon requests for variances, the City of Stockton shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the following:

1. Danger that materials may be swept onto other lands to the injury of others;
2. Danger of life and property due to flooding or erosion damage;

3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in time of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;
2. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and
3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.

C. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 15.44.240 A through 15.44.240 D are satisfied and that the structure or other development is protected by

methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

D. Upon consideration of the factors of Section 15.44.240 A and the purposes of this ordinance, the City of Stockton may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

SECTION II. SEVERABILITY.

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to this end the provisions of this act are severable.

SECTION III. EFFECTIVE DATE.

This ordinance shall take affect and be in full force thirty (30) days after its passage.

ADOPTED: JAN 25 2011

EFFECTIVE: FEB 24 2011



ANN JOHNSTON, Mayor
of the City of Stockton

ATTEST:



KATHERINE GONG MEISSNER
City Clerk of the City of Stockton

